

**REMARKS**

Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

A. **Status of the Claims And Explanation Of Amendments**

Claims 1-5 and 8-15 are pending. Claims 1, 2, 5, 8-10 and 13-15 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,370,111 to Takeda et al. ("Takeda") in view of US-2001/0021650 to Bilgic ("Bilgic"). [3/21/05 Office Action at pp. 3-6]. Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takeda in view of Bilgic and in further view of U.S. Patent No. 6,477,183 to Yamamoto ("Yamamoto"). [3/21/05 Office Action at pp. 6-7]. Claim 11 was rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,233,463 to Wiedeman et al. ("Wiedeman"). [3/21/05 Office Action at p. 2]. Claim 12 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bilgic in view of US-2004/0176129 to Menon et al. ("Menon"). [3/21/05 Office Action at pp. 7-8].

Claims 1, 5, and 8-15 are amended by this paper. Claims 1, 5, 8, 9, 11, and 13-15 are amended to recite "wireless communication" instead of "the wireless communication." Grammatical changes are made to claims 1, and 10-11 (i.e., "timing a control signal" changed to "timing of a control signal" in claim 1). Antecedent bases are clarified in claims 9 and 12 (i.e., "the wireless communication control apparatus" was changed to "a base station" in claim 9). The preamble of claim 10 is amended to specify that the computer program is "embodied in a computer readable medium." None of these amendments is made for any substantial reason related to patentability (i.e., §§ 102 or 103). Claim 11 also is amended to specify that the holding means "temporarily" holds an incoming call "for a pre-selected holding time." Support for this

amendment is found throughout the application as originally filed including for example at page 26, lines 10-19 and Figure 13. No new matter will be added to this application by entry of these amendments.

B. Claims 1-5, 8-10 and 13-15 are Patentably Distinct from Takeda in view of Bilgic and Optionally Further in view of Yamamoto

The rejections of claims 1-5, 8-10 and 13-15 are respectfully traversed. As explained more fully below, the final claim element is not shown in the cited references. Accordingly, the alleged *prima facie* case of obviousness is facially deficient, and the claims should be allowed. *See* MPEP 2143.

Applicants' claim 1 recites:

1. A wireless communication system comprising

a base station and

a wireless communication apparatus;

wherein the wireless communication system controls transmission timing of a control signal transmittal from the base station and addressed to the wireless communication apparatus in a case where wireless communication between the base station and the addressed wireless communication apparatus is out of order.

Takeda is directed to a method for controlling communication of mobile equipment. The Office Action (a pp. 3-4) argues that the wireless communication system of Takeda includes a public base station (ref. 902), a mobile station (ref. 901). One difference between Takeda and claim 1, according to the office action is that "[Takeda] does not explicit[ly] disclose wherein the communication system controls transmission timing of a control signal transmitted from the base station and addressed to the wireless communication apparatus" when the system is out of order. For this feature, the office action relies on Bilgic.

Bilgic is directed to a communication control for a user of a central communication center. Bilgic's Figure 1A shows a wireless communication system (ref. 101) for communication among a plurality of mobile stations (ref. 102). The system has a plurality of cells (ref. 103), each with a base station (ref. 104).

Paragraphs 122 to 123 relate to a "BS Specific Poll Recover" process. During communications between the base station (104) and the mobile station (102), the mobile station sends a message to the base station acknowledging its registration with the base station. [paragraphs 116-118]. The base station establishes a time (706) that designates the maximum time it will wait for this acknowledgement. [paragraph 122]. If that time elapses without acknowledgment, a "BS Specific Poll Recover" process is undertaken. In that process, the base station transmits a specific poll message for the mobile station in *each time frame* to enable the mobile station to resynchronize with the base station. [paragraph 123]. Thus, as Applicants understand Bilgic's disclosure, he transmits a poll message at regular, periodic intervals. There is no control of transmission timing. Accordingly, Bilgic fails to teach, disclose or suggest controlling transmission timing of a control signal transmittal from the base station and addressed to the wireless communication apparatus in a case where wireless communication is out of order.

The final reference, Yamamoto, is cited in connection with dependent claims 3 and 4. It is not alleged to teach, disclose or suggest controlling transmission timing of a control signal transmittal from the base station and addressed to the wireless communication apparatus in a case where wireless communication is out of order as recited in independent claim 1. Accordingly, as Applicant cannot find that claim element of Applicants' claim 1 in the cited

references (Takeda, Bilgic or Yamamoto), at least independent claims 1, 8-10 and 14, and their dependent claims 2-5, 13 and 15 are respectfully asserted to be in condition for allowance.

C. Claim 11 is Not Anticipated by Wiedeman

The rejection of claim 11 for lack of novelty also is respectfully traversed, because the cited reference, Wiedeman, fails to disclose all of the claimed elements. *See* MPEP § 2131. As such, claim 11 is not anticipated and should be allowed.

Applicants' claim 11 recites:

11. A base station for performing wireless communication with a wireless communication apparatus, comprising:

holding means for temporarily holding for a pre-selected holding time an incoming call when wireless communication with the wireless communication apparatus is out of order; and

informing means for informing the wireless communication apparatus of the incoming call when wireless communication with the wireless communication apparatus is in order and while the incoming call is held by said holding means.

Wiedeman is directed to an automatic satellite terrestrial mobile terminal roaming system and method. The office action (at pp. 2-3) has alleged that the holding means and informing means of Applicants' claim 11 are disclosed in Wiedeman's disclosure at column 16, line 50 through column 17, line 4. Therein, Wiedeman assumes that his gateway (10), which is alleged to correspond to the claimed base station, communicates with and provides pages to his user terminal (7), which is alleged to correspond to the claimed wireless communication apparatus. [Col. 16, lines 51-54]. The UT (7) responds to these page transmissions with an "appropriate signalling to the gateway 10" so that "the gateway 10 knows that the UT 7 has received the page." [Col. 16, lines 55-58].

Any non-acknowledged pages are stored if the UT (7) loses synchronization with the gateway (10). [Col. 16, lines 59-61]. When communication is restored, the gateway (10) informs the UT (7) that there are calls waiting. [Col. 16, lines 62-66]. The UT (7) then tells the gateway which of two options it selects:

- the undelivered pages should be transmitted from the gateway (10) to the UT (7); or
- the undelivered pages should remain stored by the gateway (10) until requested later.

Thus, in Wiedeman's system, the undelivered pages are held permanently until they can be delivered to this user terminal (7). There is no pre-selected holding time. No provision is made for informing the user terminal (7) *only* while the incoming call is held, since it will always be held until delivery.

Accordingly, as Applicant cannot find in Wiedeman a disclosure of holding means for temporarily holding for a pre-selected holding time or informing means for informing the wireless communication apparatus of the incoming call while the incoming call is held by said holding means as in claim 11, at least independent claim 11 is respectfully asserted to be in condition for allowance.

D. Claim 12 is Patentably Distinct from Bilgic in view of Menon

The rejection of claim 12 also is respectfully traversed. As explained more fully below, all the claim elements are not shown in the cited references, which renders the alleged *prima facie* case of obviousness is facially deficient. *See* MPEP § 2143. As such, the claim should be allowed.

Applicants' claim 12 recites:

A base station for performing wireless communication with a wireless communication apparatus, comprising:

first transmitting means for transmitting a plurality of wireless signals to the wireless communication apparatus regularly;

receiving means for receiving a response signal from the wireless communication apparatus; and

second transmitting means for transmitting an alarm signal to a remote host in a case where the response signal is not received by said receiving means in response to the wireless signals transmitted regularly.

The office action (at p. 7), admits that “[Bilgic] does not disclose a second transmitting means for transmitting an alarm signal to a remote host in case the response is not received by said receiving means in response to the wireless signals transmitted regularly.” For this feature, the office action relies on Menon.

Menon is directed to a wireless access unit with trunk interface. As shown in Menon’s Figure 1, the system has a plurality of telephone stations (102) connected to a central telephone switch (105), which is referred to by Menon as a “customer premises equipment” or “CPE.” [Paragraph 0047]. The CPE (105) is connected to a wireless access communication unit (106), which is in turn connected via a wireless trunk (108) to a base station (109). [Paragraph 0048].

The office action notes that Menon’s “Summary of the Invention” (at paragraph 0016) discloses a re-registration function (i.e., “[t]he base station receives and monitors the re-registration signals from the wireless access communication unit and, if the re-registration signals are absent for a predefined period of time, issues an alarm message to the network.”) This is alleged to correspond to the second transmitting means of Applicants’ claim 12.

However, this feature is described later in the “Detailed Description” at paragraph 0024, and it is quite different:

In case of a detected failure at the wireless access communication unit 106, an alarm message is transmitted to report the failure to the operator. Upon detection of a fault, the wireless access communication unit 106 sends a fault notification (i.e., alarm message) to the base station 109 using a Control Traffic Transport (CT-TRA) message. The base station 109 then sends a fault report to the base station controller 112 using the base station object as the fault entity.

Menon’s Figure 29 also depicts alarm information being transmitted from the CPRU (i.e., a wireless access communication unit 106) to the BTS (i.e., base station), and then from the BTS to the OMC (i.e., operations and maintenance center 120). [See also, Menon at ¶225].

Thus, in Menon’s system it is *not the absence* of a signal that triggers the alarm. Rather, an alarm signal from the base station (109) to the operations management center (OMC) 120 *is response* to a prior alarm signal from the wireless access communication unit (106).

As Applicant cannot find in Bilgic or Menon a disclosure of means for transmitting an alarm signal to a remote host when a response signal from a wireless communication apparatus is not received by said receiving means of the base station as in Applicants’ claim 12, at least independent claim 12 is respectfully asserted to be in condition for allowance.

Applicant has chosen in the interest of expediting prosecution of this patent applicant to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicant has chosen not to swear behind the Wiedeman, Takeda,

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Reply to Office Action dated March 21, 2005

Yamamoto, Bilgic and Menon documents cited by the office action at this time. Applicant, however, reserves the right, as provided by 37 C.F.R. § 1.131, to do so in the future as appropriate.

Finally, Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.



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**CONCLUSION**

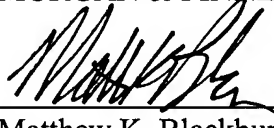
For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-4804.

Respectfully submitted,  
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Dated: June 15, 2005

By: \_\_\_\_\_

  
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